

Remarks

Claim 1 has been amended to clarify the invention. Claim 1 was rejected under section 102 or alternatively under 103 as being unpatentable over Gimmler et al.

Gimmler et al. teach a powdery anti-stick agent comprising calcium carbonate coated with wax, for use with chewing gum. Chewing gum is a very different type of product than high moisture content products such as cheese, to which the present invention pertains. Chewing gum is a dry product with typical moisture contents of less than 5%. The calcium carbonate is coated with wax to improve the “mouth feel” and taste of the calcium carbonate which clashes with the dry chewing gum. Gimmler has nothing to do with high moisture content foods or the prevention of gas formation.

There is no teaching or suggestion in Gimmler to combine the wax coated calcium carbonate with a high moisture content product such as cheese. The motivation for improving the “mouth feel” and taste of the calcium carbonate for use with chewing gum does not apply to high moisture content foods because the high moisture content hydrates the calcium carbonate so the user would not taste or feel it. Accordingly, wax coating of calcium carbonate would not serve the purpose disclosed in Gimmler if applied to the instant invention and therefore Gimmler does not teach or suggest the Applicant’s invention. Furthermore, there is no teaching nor suggestion in Gimmler et al. that combining wax and calcium carbonate would be effective in a high moisture food.

Applicant’s disclosure states that, “although the applications of calcium carbonate and other carbonate-based anti-caking agents are acceptable in foods that are relatively dry (moisture content less than 5-10%), a severe problem is encountered when they are applied to foods that contain relatively high moisture (higher than 30%), such as cheese.” Page 1, lines 24-29. The problem is gas formation and “there is a need to minimize or control and delay the release of carbon dioxide into the headspace of a package when metal carbonate is used in foods that are relatively moist.” Page 2, lines 15-19. Accordingly, Applicant’s disclosure teaches that

carbonate is used for anticaking in dry foods. This information does not add anything to Gimmler because Gimmler already knew that carbonates were used for anti-sticking in dry foods. To contrast, the present invention solves the problem of excess gas formation when carbonates are used for anti-caking in high moisture content foods.

Claim 18 has been amended similarly to claim 1. Claims 3-17 and 33-45 have been canceled, without prejudice.

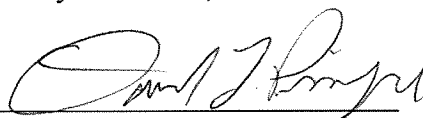
It is respectfully submitted that Independent Claims 1 (as amended), 12, and 18 (as amended) are not rendered obvious by the cited references in any reasonable combination for the reasons set forth above. It is believed that these claims are now in condition for allowance. The remaining claims depend from these claims and are also believed to be patentable.

The foreign language references referred to by the Examiner in connection with the information disclosure statement filed on March 2, 2005, are hereby being resubmitted with English abstracts in a newly filed information disclosure statement.

It is believed that all of the issues raised by the Examiner have been addressed.

Please charge any fees due with this response to Deposit Account No. 08-2442.

Respectfully submitted,

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